

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE DASILVA, JR.,

Plaintiff,

v.

CHRISTINE WORMUTH,
Secretary of the Army, and MARTIN
POTTER, in his individual capacity,

Defendants.

Civil No. 20-11358

Honorable Mark A. Goldsmith

Magistrate Judge Anthony P. Patti

DECLARATION OF MICHAEL FERN

1. My name is Michael Fern. I am currently a Fire Inspector at the Detroit Arsenal Fire Division and have served in that position since approximately the 2015. Before that, I was a Firefighter at the Detroit Arsenal since 2007. I have known Joe DaSilva since 2007 and have worked with him many times over the years and observed his behavior and conduct at work.
2. I observed Mr. DaSilva tell stories that involved his own sexual acts. For example, one time, he bragged about having sex with his wife by bending her over the couch after coming home from an event.
3. I observed Mr. DaSilva making fun of Firefighter Scott McGowen for having big ears.

4. I observed Mr. DaSilva refer to Firefighter Brian Furman, who is one of the larger firefighters at our station, as a "fat fuck."
5. Mr. DaSilva would walk around bragging that he has a huge penis. He said this often. One day, I told Mr. DaSilva, "you're lying, you're making it up" and jokingly said, "let's see it, then." That day or the next day, Mr. DaSilva appeared in my bunkroom when I was laying down and his penis was out, within 2 feet of my face. He said, "see, there it is." I told Mr. DaSilva to "get the fuck out of here, get that out of my face," or words like that. Mr. DaSilva later apologized. He said something like, "dude, I'm sorry, you told me to do it."
6. I am aware that this lawsuit is about Martin Potter telling Mr. DaSilva that he should wear a bra or commenting on his chest size. At the Firehall, everyone is family and we often joke with each other in this manner. Much worse things have been said and done. Mr. Potter's comments were not evil or spiteful. It was all joking or digs at each other. Mr. DaSilva was an active participant just like everyone else. He has said and done things that go way beyond Mr. Potter's comments, including what I described above and greeting people with, "what's up, douchebag," talking about women's "titties" and "ass," and telling sexually explicit stories.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
is true and correct.

Date: 12-16-22



MICHAEL FERN